



## MILPITAS PLANNING COMMISSION STAFF REPORT

July 23, 2014

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**APPLICATION:**

**Parking Ordinance Amendment III, ZA14-0009**

A City-initiated request to consider a Zoning Text Amendment to Section XI-10-53.13.A1, Location of Parking to clarify when on-street parking can be allocated to a retail/commercial project's parking requirement in the Midtown and Transit Area Specific Plan Areas.

**RECOMMENDATION:**

**Staff recommends that the Planning Commission:**

**Adopt Resolution No. 14-029 recommending the City Council adopt an amendment to the Zoning Code to clarify when on-street parking can be allocated to a retail/commercial project's parking requirement in the Midtown and Transit Area Specific Plan Areas.**

**LOCATION:**

Area of the City:

Transit Area Specific Plan (TASP) and Midtown Specific Plan Areas

**PEOPLE:**

Project Applicant:

City of Milpitas Planning Division

Project Planner:

Tracy Tam, Planning Intern

**LAND USE:**

General Plan Designation:

Commercial and Mixed Use designations in the TASP and Midtown Areas

Zoning District:

Commercial and Mixed Use designations in the TASP and Midtown Areas

**ENVIRONMENTAL:**

Exempt from further environmental review pursuant to Section 15061(b)(3) in that CEQA only applies to projects that have the potential for causing a significant effect on the environment.

**EXECUTIVE SUMMARY**

Currently, the use of on-street parking for commercial uses is not clearly stated in Section XI-10-53.13(A)(1) of the Milpitas Zoning Code. The purpose of this amendment is to clarify when commercial service or retail uses within the City's specific plan areas can meet their parking requirements with on-street parking. The proposed amendment will clarify that on-street parking on public streets may be allocated for commercial and/or retail use in the Transit Area Specific Plan and the Midtown Specific Plan in certain situations.

## **BACKGROUND**

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### ***History***

On February 25, 2009, Planning Commission adopted Resolution No. 09-007 recommending approval to the City Council Zoning Amendment No. ZA08-0010, to amend Section 53 of the Zoning Code and Specific Plan Amendment No. ST08-0003, to amend the parking requirements of the Midtown and Transit Area Specific Plans. On April 7, 2009, City Council adopted Ordinance 38.785, amending the parking regulations regarding the number of parking spaces required for certain uses, parking design standards and formatting changes to the section.

On March 12, 2014, Planning Commission adopted a resolution recommending the City Council approve the City-initiated request for a Zoning Amendment (No. ZA14-0003) to modify the parking lot drive aisle width from 25-feet to 24-feet for commercial and industrial uses. On April 15, 2014, the City Council held a public meeting to consider the Planning Commission's recommendation. The City Council agreed with the Planning Commission's recommendation and directed staff to return to the City Council with a revised ordinance incorporating the change in drive aisle width only for commercial and industrial uses.

On June 11, 2014, Planning Commission adopted Resolution No. 14-025 recommending the City Council amend the Zoning Code (ZA14-0006) to provide flexibility with development standards for parking structures through a Conditional Use Permit and to clarify that residential uses shall not meet its parking requirement with on-street parking on public right-of-way or public areas. This item is tentatively scheduled for the City Council meeting on August 19, 2014.

The proposed zoning text amendment will clarify when on-street parking can be allocated to a retail/commercial project's parking requirement.

### ***The Application***

The following is a summary of the request:

- *Zoning Amendment:* Amend Section XI-10-53(A)(1) of the Milpitas Zoning Code to clarify when commercial service and retail uses can meet its parking requirements with on-street parking.

## **PROJECT DESCRIPTION**

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### ***Overview***

Currently, Section XI-10-53.13(A)(1) of the Zoning Code does not contain clear language for allocating on-street parking spaces towards the parking requirement for commercial service or retail uses. The proposed zoning amendment will clarify when on-street parking can be allocated to a commercial or retail project's parking requirement. Staff is proposing that an applicant may utilize on-street parking toward the parking requirement for commercial service and/or retail uses if the parking is located along the project site frontage directly serving and adjacent to the use. No more than 50% of the required parking spaces may be allocated to the public street unless the use requires ten (10) parking spaces or less. And, in no case shall the parking be located more than three hundred (300) feet away from the commercial service or retail use it serves.

Additionally, the on-street parking spaces shall be designated as limited term and will be appropriately indicated as such.

### ***Location and Context***

The Zoning Code amendment will only apply to future commercial service and retail uses in the Transit Area Specific Plan and the Midtown Specific Plan areas.

## **PROJECT ANALYSIS**

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### ***General Plan and Zoning Conformance***

The proposed zoning amendment is consistent with several Policies contained within the General Plan. The proposed zoning amendment is consistent with the intent of the General Plan in that it seeks to promote infill development within the City, encourages economic pursuits which will strengthen and promote development through stability and balance, and maintains policies that promote a strong economy which provides economic opportunities for all Milpitas residents within existing environmental, social fiscal and land use constraints. Additionally, this amendment will provide opportunities to expand employment, participate in partnerships with local businesses to facilitate communication, and promote business retention.

The proposed zoning amendment is consistent with the above mentioned Policies because it promotes infill development by providing a cost effective alternative to satisfy the parking requirement. Given the constraints of the smaller parcels within the City, it has been a growing trend for the development to propose parking garages. Above and below grade parking garages add a considerable amount to the cost of construction for a development project. By clarifying when on-street parking can be utilized for a retail/commercial development, infill development is better accommodated by possibly reducing the cost of parking and encouraging commercial and retail uses along the street. Most development within the City is infill development, and having the option for on-street parking for retail/commercial uses will assist in meeting the parking requirements as required by the Zoning Code.

The proposed zoning amendment encourages economic pursuits by promoting the convenience and ease of parking for business patrons within the City. This proposed amendment will also promote a strong economy by encouraging developers to provide retail/commercial space and encouraging business owners and patrons with a parking amenity that is convenient and encourages economic activity. Lastly, this proposed zoning amendment will expand employment and promote business retention by catering to the small businesses and patrons by having an availability of retail/commercial space and encouraging foot traffic and business recognition for retail/commercial uses. Parking on public streets is available to all residents and visitors of the City and clarifying that on-street parking may be utilized for retail/commercial uses will better serve the businesses and visitors.

Clarification of this provision in the Zoning Ordinance is internally consistent with the Zoning Ordinance since the provision already exists and is just being clarified.

## **FINDINGS FOR APPROVAL**

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A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

***Zoning Amendment (Section XI-10.57(G)(3))***

*1. The proposed amendment is consistent with the General Plan.*

The project is consistent with the Milpitas General Plan, specifically:

- Policy 2.a I-2: Promote development within the incorporated limits which acts to fill-in the urban fabric rather than providing costly expansion of urban services into outlying areas.
- Policy 2.a-I-3: Encourage economic pursuits which will strengthen and promote development through stability and balance.
- Policy 2.a-I-5: Maintain policies that promote a strong economy which provides economic opportunities for all Milpitas residents within existing environmental, social fiscal and land use constraints.
- Policy 2.a-I-7: Provide opportunities to expand employment, participate in partnerships with local business to facilitate communication, and promote business retention.

The project is consistent with these findings because it furthers the policies of the General Plan by clarifying when on-street parking can be allocated towards a retail/commercial project's parking requirement. This project accommodates infill development by providing a cost effective alternative to satisfy the parking requirement for a development. The ability to count on-street parking towards the parking requirement but limiting the on-street parking spots to fifty percent (50%) or less of the required parking and requiring the on-street parking spots be within three hundred (300) feet from the use will allow the projects to meet the parking requirement for infill development and smaller sized parcels within the City.

This proposed amendment encourages economic pursuits by incentivizing the development community to construct retail and commercial uses to better serve the visitors and residents of the City. Allowing ability project to count on-street parking towards a retail/commercial use will encourage business patrons to support local businesses by providing them the convenience and ease of on-street parking directly in front of the use. This amendment will also promote a strong economy and business retention by increasing the amount of available retail and commercial space within the City while providing convenient parking amenities for patrons. Lastly, on-street parking will encourage foot traffic and business recognition which will create vibrancy.

*2. The proposed amendment will not adversely affect the public health, safety and welfare.*

The project is consistent with this finding because due to its nature, there is no potential to affect the public health, safety and welfare of the general public. Providing clarification on when on-street parking can be utilized for a retail/commercial project is intended to assist the development

community, City staff, and all decision makers in determining when on-street parking may be utilized. Furthermore, this project will not affect the public health and safety because it is meant as a tool to assist in decision making and the intent of the public streets is for public use rather than private use by private development. Any future development project will be required to complete a full environmental review under CEQA.

## **ENVIRONMENTAL REVIEW**

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The Planning Division conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The project is exempt from further CEQA review under Section 15061(b)(3) of the CEQA Guidelines in that the project has no potential to cause a significant effect on the environment. Staff has determined that amending the Zoning Code to provide clarity on when on-street parking can be allocated towards a retail/commercial project's parking requirement has no potential to cause a significant effect on the environment. Any future project will need to go through environmental review in compliance with CEQA.

## **PUBLIC COMMENT/OUTREACH**

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Staff provided public notice the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on July 11, 2014. (Two Fridays before the meeting). A public notice was also provided on the City's Website, [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov), and posted at City Hall.

## **CITY COUNCIL REVIEW**

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This project requires review by the City Council and is tentatively scheduled on the August 19, 2014 Council agenda.

## **CONCLUSION**

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In summary, the proposed Zoning Code amendment will clarify when on-street parking can be allocated to a retail/commercial project's requirement. The proposed Zoning Code amendment will further the General Plan policy to accommodate infill development by providing developers with the possibility of counting on-street parking towards the parking requirement for a development.

## **RECOMMENDATION**

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STAFF RECOMMENDS THAT the Planning Commission:

1. Conduct a Public Hearing; and
2. Adopt Resolution 14-029 recommending City Council adopt an amendment to the Zoning Code to clarify when retail/commercial uses may meet their parking requirement with on-street parking.

## **ATTACHMENTS**

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A: Resolution No. 14-029

B: Ordinance 38.817